

Exhibit 7

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - x  
KEITH TURNER,

Plaintiff,

- against -

NYU HOSPITALS CENTER, NYU MEDICAL  
CENTER, NYU SCHOOL OF MEDICINE and  
NYU HEALTH SYSTEM,

Defendants.

- - - - - x

November 30, 2006  
12:55 p.m.

DEPOSITION of MARK PARAUDA, a witness appearing  
on behalf of the Defendant, taken by the attorney  
for the Plaintiff, pursuant to Notice, held at the  
offices of GOLDBERG & FLEIGEL, LLP, 60 East 42nd Street,  
New York, New York, before Michael Catania, a Notary  
Public of the State of New York.

\* \* \* \*

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1 Parauda  
 2 A. No. I don't recognize it.  
 3 Q. It could be somebody in payroll  
 4 because it appears next to the payroll stamp.  
 5 A. No. I can't even tell you what  
 6 letters they are.  
 7 Q. I will show you what has been marked  
 8 for identification as Plaintiff Exhibit No. 85.  
 9 Are you familiar with those  
 10 documents?  
 11 A. Yes. I am familiar with them.  
 12 Q. Are these materials that you gave to  
 13 Mr. Turner on June 14, 2004?  
 14 A. Yes.  
 15 Q. You gave these to him at your office  
 16 when you gave these to Mr. Turner?  
 17 A. Yes.  
 18 Q. Did you speak with Mr. Turner when  
 19 you gave him the documents?  
 20 A. Yes.  
 21 Q. What did you say?  
 22 A. I don't remember exactly. But I  
 23 would imagine I would go through with him and  
 24 let him know what the severance is, and the  
 25 benefits and that kind of thing.

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1 Parauda  
 2 And talking to him about COBRA, and  
 3 if he has any questions.  
 4 Q. Did you discuss with him whether he  
 5 had a future at NYU after receiving the  
 6 document?  
 7 A. I discussed with him that he is  
 8 eligible for rehire.  
 9 And I explained to him if you are  
 10 rehired during the severance period, then your  
 11 severance would end and you would get the  
 12 paycheck from the new department.  
 13 Q. And the severance period for Mr.  
 14 Turner, according to your correspondence with  
 15 him, was the medical coverage was going to  
 16 continue through July 31, according to the first  
 17 page of this document; right?  
 18 A. Yes.  
 19 Q. It says, "You are eligible for four  
 20 weeks of notice pay and one week of severance  
 21 pay."  
 22 He was going to receive five weeks of  
 23 severance under this document; is that right?  
 24 A. Yes.  
 25 Q. He was going to get continued

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1 Parauda  
 2 compensation into the month of July?  
 3 A. Yes, the five weeks after June 14.  
 4 Q. He was eligible in that time frame  
 5 subject to NYU stopping paying him.  
 6 MR. SHAPIRO: Objection to form.  
 7 A. I don't know if he was eligible for  
 8 rehire. This is more of a general form that  
 9 says if you are eligible and if you are hired  
 10 for a position and this is what would happen.  
 11 Q. Mr. Turner had been employed for more  
 12 than one year?  
 13 A. Yes.  
 14 Q. The materials that I showed you said  
 15 that he had recall rights for four months; is  
 16 that correct?  
 17 MR. SHAPIRO: Objection.  
 18 A. No.  
 19 Q. Four month recall rights for an  
 20 employee --  
 21 MR. SHAPIRO: I am objecting to your  
 22 questions.  
 23 MR. GOLDBERG: Don't make a lengthy  
 24 objections. We have been delayed because of the  
 25 400 page of documents and the late witness.

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1 Parauda  
 2 Q. The papers I showed you indicated  
 3 four months of rehire?  
 4 MR. SHAPIRO: Objection.  
 5 A. For eligible employees.  
 6 Q. There is nothing that says Mr. Turner  
 7 was not eligible for recall in the materials you  
 8 gave him.  
 9 MR. SHAPIRO: Objection to form.  
 10 A. It does not say that.  
 11 Q. There is nothing that says that he  
 12 was not eligible for rehire; is that true?  
 13 MR. SHAPIRO: Objection.  
 14 A. Yes.  
 15 Q. After June 14, did you ever contact  
 16 Mr. Turner to be rehired or rehired by NYU?  
 17 A. I don't believe I did.  
 18 Q. To your knowledge, did anyone at NYU  
 19 ever contact Mr. Turner to be rehired or  
 20 recalled?  
 21 A. I don't know.  
 22 Q. In 2003 the evaluation says that he  
 23 meets requirement, and that was in September  
 24 2003?  
 25 A. I don't remember the date. I will

11 (Pages 38 to 41)

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1 Parauda  
 2 MR. SHAPIRO: Objection to form.  
 3 A. Received in payroll July 16.  
 4 Q. And signed by the boss on July 8,  
 5 '04?  
 6 A. Yes.  
 7 Q. And this form for termination is done  
 8 after someone is fired, and that's the standard  
 9 practice; right?  
 10 A. I am not familiar with the forms.  
 11 Q. Is it usually done after someone is  
 12 fired, to your knowledge?  
 13 A. It stands to reason, I guess.  
 14 MR. SHAPIRO: If you don't know, then  
 15 tell him.  
 16 MR. GOLDBERG: Mark that as Plaintiff  
 17 Exhibit No. 101. This has Bates numbers NO-874,  
 18 NO-876, which are documents that were handed to  
 19 me today.  
 20 (Exhibit P-101, E-mails, NO-874-876,  
 21 marked for identification.)  
 22 Q. I was given Exhibit 101 by your  
 23 attorney today.  
 24 This appears to be a set of e-mails  
 25 in which you are one of the participants in the

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1 Parauda  
 2 correspondence; is that right?  
 3 A. Cc'd on first one.  
 4 Q. Right. You are someone who received  
 5 some of these e-mails that are contained in this  
 6 exhibit or you sent them; right?  
 7 A. Yes.  
 8 Q. As I see the e-mails, and I wanted to  
 9 make sure I understand what they say, there is  
 10 an e-mail from June 14, 2004 at 8:52 a.m. which  
 11 you can see on the first page of the exhibit.  
 12 That is an e-mail that purports to be  
 13 from Mr. DeGazon to Ms. Odom.  
 14 Do you see that?  
 15 A. Yes.  
 16 Q. It indicates that Miss Sutowski will  
 17 be terminated at 1:00 p.m. and Mr. Turner will  
 18 lose his job at 1:30.  
 19 And Mr. DeGazon puts in here what he  
 20 plans to tell Ms. Sutowski and Mr. Turner?  
 21 A. Yes.  
 22 Q. Mr. Odom cc's you and says that Boza  
 23 is a straight termination and --  
 24 A. Yes.  
 25 Q. Then you wrote an e-mail, and I guess

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1 Parauda  
 2 you chimed in at this point and gave some  
 3 information; is that correct?  
 4 A. Yes.  
 5 Q. You wrote that, "If she is being  
 6 fired for cause, she doesn't need to see you and  
 7 will receive no severance pay."  
 8 A. Yes.  
 9 Q. If she is part of the layoff, she  
 10 will get severance pay and meets with you?  
 11 A. Yes.  
 12 Q. According to NYU, Ms. Sutowski was  
 13 fired for cause and did not meet with you; is  
 14 that correct?  
 15 A. Yes.  
 16 Q. Mr. Turner was laid off and met with  
 17 you and received severance pay; is that correct?  
 18 A. Yes.  
 19 Q. There is nothing contained in this  
 20 string of e-mails that says Mr. Turner is  
 21 ineligible for rehire; is that correct?  
 22 MR. SHAPIRO: Objection to form.  
 23 Q. Looking at the pages in front of you  
 24 there is nothing in there in which anyone says  
 25 that Mr. Turner is ineligible for rehire or

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1 Parauda  
 2 recall; is that correct?  
 3 A. I do not see it, no.  
 4 Q. The initial e-mail on this topic came  
 5 from DeGazon who was Director of Building  
 6 Services on June 14, 2004; is that correct?  
 7 MR. SHAPIRO: Objection to form.  
 8 A. Yes.  
 9 Q. The head of the department; correct?  
 10 A. Associate director. That's his title  
 11 down here.  
 12 Q. That's the signature block. I can  
 13 show you if you want to see your own NYU  
 14 documents that made him Director.  
 15 In any event, Mr. DeGazon sent the  
 16 initial e-mail that started this string?  
 17 A. Yes.  
 18 Q. He is the one who terminated Miss  
 19 Sutowski and let Mr. Turner go the same day?  
 20 A. It appears that day, but I don't  
 21 know.  
 22 MR. SHAPIRO: Objection to form.  
 23 Q. Ms. Sutowski was terminated for cause  
 24 and her job was not eliminated; is that correct?  
 25 A. Based on this e-mail, yes.

14 (Pages 50 to 53)

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1 Parauda  
 2 Q. This is the way I received the  
 3 document.  
 4 Did you ever see this document  
 5 before?  
 6 A. I don't -- no.  
 7 Q. You do see that looking at Exhibit  
 8 No. 9, the 262 number that appeared on 104 made  
 9 its way onto this form that pertains to Mr.  
 10 Turner; right?  
 11 A. Yes.  
 12 Q. The 252 that you said in your e-mail  
 13 is not on the form, but the 262 is; correct?  
 14 A. Yes.  
 15 MR. GOLDBERG: Mark as Plaintiff  
 16 Exhibit No. 106 Bates number NO-879.  
 17 (Exhibit P-106, Note to file,  
 18 4-16-04, NO-879, marked for identification.)  
 19 Q. I have another question for you on  
 20 this document.  
 21 If you look at the exhibit in the  
 22 bottom right-hand corner has a section called  
 23 "Termination"; right?  
 24 A. Yes.  
 25 Q. Then it has boxes about whether

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1 Parauda  
 2 someone is, I guess, a rehire.  
 3 Is that a rehire indication?  
 4 A. I don't know what that is.  
 5 Q. Do you see that the box "no" is  
 6 checked on this form? Do you see the box "no"  
 7 and it is checked?  
 8 It says rehire on one line, and that  
 9 box is not checked and the one box down is  
 10 checked as no.  
 11 A. I don't know if that corresponds with  
 12 it. It looks like what it says.  
 13 Q. Are you involved with or familiar  
 14 with the form in this section called  
 15 "Termination"?  
 16 MR. SHAPIRO: Objection to form.  
 17 A. I am familiar with that aspect of it.  
 18 Q. Do you understand that in this  
 19 section of Exhibit No. 9 from August 3, 2004 it  
 20 indicates don't rehire Keith Turner?  
 21 MR. SHAPIRO: Objection to form.  
 22 Q. Or does it indicate rehire Keith  
 23 Turner?  
 24 MR. SHAPIRO: Objection to form.  
 25 A. To be honest with you, it looks like

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1 Parauda  
 2 it says no.  
 3 But I can't say if the stamp got in  
 4 the way. It is not clear to me.  
 5 Q. Does NYU make re-employment rehiring  
 6 decisions based upon information in a  
 7 Confidential Personnel Profile in the bottom  
 8 right-hand section?  
 9 A. I don't know. That's one way of  
 10 indicating it.  
 11 Q. This is a document that becomes part  
 12 of the permanent personnel records for the  
 13 employee; right?  
 14 A. I believe it does. I don't know.  
 15 Q. If you look at 106, that is a note to  
 16 file by you about Miss Sutowski --  
 17 A. Yes.  
 18 Q. -- dated April 16, '04.  
 19 Does that help you put into context  
 20 you met with her?  
 21 A. That seems correct.  
 22 Q. Do you believe now that your meeting  
 23 with Ms. Sutowski took place around that date?  
 24 A. I don't know if that is the date I  
 25 met with her, but it was around that date.

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1 Parauda  
 2 Q. This is a fairly simple note. Is  
 3 there a particular reason why you wrote this  
 4 note?  
 5 A. I imagine I was going to put note to  
 6 file regarding my meeting with her.  
 7 Q. I guess what I am wondering is: Is  
 8 there a reason why there is not a more detailed  
 9 memo saying this is what we talked about and  
 10 this is what I said and what she said?  
 11 A. I don't remember why I stopped  
 12 preparing the document.  
 13 Q. I will show you did Corie Fromkin.  
 14 Do you know Miss Fromkin?  
 15 A. Yes.  
 16 Q. Do you know that she's a former  
 17 employee of NYU?  
 18 A. Yes.  
 19 Q. We have talked about Mr. Turner and  
 20 Ms. Sutowski, and you know both of them?  
 21 A. Yes.  
 22 Q. You know Ms. Fromkin is a former  
 23 employee of NYU?  
 24 A. Yes.  
 25 Q. You know that she's a Caucasian

17 (Pages 62 to 65)

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1 Parauda  
2 female?  
3 A. I don't know that --  
4 Q. By looking at her she looks white, as  
5 Mr. Turner and as does our court reporter, Mike,  
6 and me and your counsel?  
7 A. Yes, based on appearance.  
8 Q. Do you recall if she was an office  
9 manager when she was at NYU?  
10 A. I don't recall her title.  
11 Q. You recall that she was in the  
12 Building Services Department; is that correct?  
13 A. Yes.  
14 Q. By looking at Exhibit No. 7 her name  
15 is there as Office Manager; is that correct?  
16 A. Yes.  
17 Q. You can see that Jacqueline Richards  
18 reported to her on Exhibit No. 7?  
19 A. Yes.  
20 Q. You know Ms. Richards to be a black  
21 female; is that correct?  
22 A. Yes.  
23 Q. You knew that Mr. DeGazon was a black  
24 skinned male?  
25 A. Yes, relatively speaking, yes,

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1 Parauda  
2 compared to me.  
3 Q. And Robert Stephen is darker skinned  
4 than you?  
5 A. Yes.  
6 MR. SHAPIRO: Objection to form.  
7 Q. Do you know that Mr. DeGazon and Mr.  
8 Stephen were both from Saint Lucia?  
9 A. I knew that Udel was from Saint  
10 Lucia. I didn't know where Mr. Stephen is from.  
11 Q. You know Ms. Pinada to be Hispanic?  
12 A. Yes.  
13 Q. Miss Fromkin received an evaluation  
14 in October '03 marked for identification as  
15 Exhibit No. 17.  
16 Did you see that document at any  
17 time?  
18 A. I don't recall.  
19 Q. Did you ever review or investigate  
20 Ms. Fromkin's job performance?  
21 A. No.  
22 Q. Did you ever meet with Miss Fromkin?  
23 A. Yes.  
24 Q. When did you meet with Ms. Fromkin?  
25 A. I met with Miss Fromkin frequently.

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1 Parauda  
2 We interacted frequently for Building Services  
3 type of work.  
4 I was the employee relations  
5 representative and she would contact me  
6 regarding issues. I had a rapport where I  
7 talked to her a couple of times a week about  
8 issues.  
9 Q. Did she bring to your attention any  
10 complaints or concerns about Mr. DeGazon?  
11 A. Yes.  
12 Q. What did she bring to your attention  
13 about Mr. DeGazon's conduct?  
14 A. I don't recall the specifics. But  
15 she did not like his management style.  
16 Q. Do you recall that he had made some  
17 comments about her appearance, her dress and  
18 appearance?  
19 A. I don't recall that.  
20 Q. Do you recall Mr. DeGazon calling her  
21 "a skinny white girl" or words to that effect?  
22 A. I don't recall that.  
23 Q. Do you recall Miss Fromkin saying to  
24 you that she felt Mr. DeGazon was nasty?  
25 A. I don't know if she said nasty. She

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1 Parauda  
2 was not happy with his management style.  
3 Q. When she spoke to you, she was pretty  
4 blunt because that's the type of person she is,  
5 very straightforward when she speaks.  
6 MR. SHAPIRO: Objection to form.  
7 A. I don't recall.  
8 Q. She was angry the way Mr. DeGazon  
9 treated her, was she not?  
10 MR. SHAPIRO: Objection to form.  
11 A. I don't recall.  
12 Q. Did you believe her to be an honest  
13 person in dealing with him?  
14 A. I didn't form an opinion one way or  
15 the other.  
16 Q. Did you ever see these time records  
17 when Ms. Fromkin was an NYU employee?  
18 A. These are time sheets.  
19 Q. Did you --  
20 A. I don't know if I saw this one  
21 previously.  
22 Q. Did you ever review Ms. Fromkin's  
23 time sheets, time cards?  
24 A. Not that I recall.  
25 Q. I will show you Exhibit No. 19 marked

18 (Pages 66 to 69)



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1 Parauda  
 2 I have done this exercise with other  
 3 witnesses so that this will be no surprise to  
 4 counsel.  
 5 I want you to go through the exhibit  
 6 and put Post-Its on the pages that you saw at  
 7 the time the documents were generated. Some may  
 8 be from you to somebody, but I want you to go  
 9 through it and put Post-Its on the ones you saw.  
 10 A. The ones that I remember seeing at  
 11 the time, and even if my name is on it, do you  
 12 want me to put a Post-It on it?  
 13 Q. Looking at this now, if you have a  
 14 specific recollection or you are pretty sure  
 15 that you did because it has your name on it, I  
 16 will take it with a Post-It on it.  
 17 I will go off the record to allow you  
 18 to do that. Does that make sense to you?  
 19 A. If I have any questions, I will call  
 20 you.  
 21 Q. Right. It is not a complicated task.  
 22 (Recess taken at this time.)  
 23 Q. You have Exhibit No. 46 before you.  
 24 Have you had a chance to review the  
 25 exhibit?

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1 Parauda  
 2 A. Yes.  
 3 Q. Did you put Post-Its on pages you saw  
 4 when those documents were generated?  
 5 A. That I remembered, yes.  
 6 Q. You put a Post-It on NO-840 and you  
 7 put a Post-It on NO-841?  
 8 A. That's both pages.  
 9 Q. And then 842?  
 10 A. Yes.  
 11 Q. So that there are three pages from  
 12 Exhibit No. 46 that you have identified as  
 13 materials that you have seen before.  
 14 The first page of those three, NO-840  
 15 that has an e-mail from Fromkin to you enclosing  
 16 the memo of complaint by Ms. Sutowski.  
 17 MR. SHAPIRO: Objection to form.  
 18 A. Yes.  
 19 Q. You forwarded that letter on to Mr.  
 20 Odom, is that right, according to your e-mail?  
 21 A. Yes.  
 22 Q. Did you also read the letter before  
 23 forwarding it over -- after forwarding it?  
 24 A. Yes.  
 25 Q. At the time that you met with Ms.

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1 Parauda  
 2 Sutowski -- and let's say April 16, '04 you had  
 3 already seen her February memo; right?  
 4 MR. SHAPIRO: Objection to form.  
 5 Q. You had already read this?  
 6 A. Yes.  
 7 Q. Sitting here today, you may not  
 8 recall the details of the memo. But back then  
 9 you did because you had read it; right?  
 10 MR. SHAPIRO: Objection to form.  
 11 A. When I reread it just now.  
 12 Q. It came back to you?  
 13 A. A little bit.  
 14 Q. When you met with Miss Sutowski, you  
 15 were aware of the issues she had raised in her  
 16 memo; correct?  
 17 A. Yes.  
 18 Q. Did you discuss --  
 19 MR. SHAPIRO: Objection to form.  
 20 Q. Did you discuss this memo with Ms.  
 21 Sutowski in April '04?  
 22 A. I don't recall.  
 23 Q. Does this documentation that you are  
 24 looking at lead you to conclude that you saw Ms.  
 25 Sutowski earlier than April 16 in some other

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1 Parauda  
 2 meeting, or do you still think there was just  
 3 the one meeting?  
 4 MR. SHAPIRO: Objection to form.  
 5 A. I don't know one way or the other.  
 6 Q. This says, "Here is another letter of  
 7 complaint from an employee in Building  
 8 Services."  
 9 Could you tell me whether there were  
 10 other letters? Because the e-mail makes it  
 11 sound like there were.  
 12 MR. SHAPIRO: Objection to form.  
 13 A. I don't recall.  
 14 Q. Here is another letter of complaint  
 15 in the e-mail. And the implication of that is  
 16 that there was another letter besides this one.  
 17 MR. SHAPIRO: Objection; form.  
 18 A. I don't know.  
 19 Q. If this was the only letter that you  
 20 received, would you have said "here is another  
 21 letter of complaint"?  
 22 MR. SHAPIRO: Objection to form.  
 23 Q. When you wrote this, there were other  
 24 letters.  
 25 But sitting here, you don't recall?

26 (Pages 98 to 101)